

CERTIFICATE OF SERVICE

I, Beth E. Goldman, am an Assistant United States Attorney in the office of Lev L. Dassin, Acting United States Attorney for the Southern District of New York.

On the 9th day of January 2009, I caused a copy of the Notice of Cross-Motion for Summary Judgment, and Defendant's Memorandum of Law in Opposition to Plaintiffs' Motion for Summary Judgment and In Support of Defendant's Cross-Motion for Summary Judgment to be delivered by electronic mail to mbernard@nrdc.org and by FEDERAL EXPRESS to:

Mitchell S. Bernard, Esq.
Natural Resources Defense Council
40 West 20th Street
New York, New York 10011

I certify under penalty of perjury that the foregoing is true and correct.

Executed on January 20, 2009



BETH E. GOLDMAN

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